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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,371	12/12/2001	Kazuaki Nagamine	FUJH 19.250	2893

26304 7590 12/27/2005

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EXAMINER
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AHMED, SALMAN

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/015,371	NAGAMINE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Salman Ahmed	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001 and 28 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-10 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 3, 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Lauder et al. (US PAT PUB 2002/0135835), hereinafter referred to as Lauder.

In regards to claims 1, 2, 3 a node device (figure 1 element 100) for connecting a plurality of networks (figure 6, elements 600 and 602), node device comprising: a plurality of input units (figure 1, element 126 and element 122) for respectively inputting data from first transmission lines installed in each of plurality of networks; a plurality of output units (figure 1, element 126 and element 122) for respectively outputting data to

second transmission lines installed in each of plurality of networks; and a first switching (figure 1, element 108) unit for switching the data input from input units to output units; the input unit that inputs data from a transmission line shared by plurality of networks among first transmission lines having a higher transmission speed than other input units is anticipated by figure 1, where element 126 has a higher bandwidth than element 122.

In regards to claim 8, Lauder teaches (page 1 section 0008) first and second transmission lines are formed by optical fibers, and said data is transmitted and received along first and second transmission lines after being or by wavelength division multiplexed by time slots.

3. Claims 9, 10 are rejected under 35 U.S.C. 102(e) as being anticipated by De Vito et al. (US PAT 6061335), hereinafter referred to as De Vito.

In regards to claim 9, a network system (figure 1) comprising: a first network (figure 1, stacked OC-48 ring) in which a plurality of first node devices (figure 1, Pop LSO and service nodes in stacked OC-48 rings) are connected by transmission lines; a second network (figure 1, stacked OC-3 ring) in which a plurality of second node devices (figure 1, LSO, CP in stacked OC-3 rings) are connected by transmission lines; and a third node device (figure 1, ring hubs 107, 109) which is connected to some of the transmission lines of first network and some of the transmission lines of second network, third node device transmitting and receiving the data transmitted and received by at least one of transmission lines connected to third node device at a higher speed

than the data transmitted and received by the other transmission lines of first network and transmission lines of second network is anticipated by figure 1, element backbone ring 105 having higher bandwidth than access ring 101, both going through ring hubs 107, 109.

In regards to claim 10 at least two of third node devices (figure 1, elements 107, 109) are disposed adjacent to each other, and the data that is transmitted and received by transmission lines (figure 1, backbone ring 105) between at least two of third nodes devices is transmitted and received at a higher speed (figure 1, OC-48) than the data that is transmitted and received by the other transmission lines (figure 1, access ring 101) of first network and transmission lines of second network.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lauder in view of Moy et al. (US PAT PUB 2003/0035411), hereinafter referred to as Moy.

In regards to claims 6, 7 Lauder teaches a multiplexing/Demultiplexing unit (figure 5, element 504) for multiplexing/ Demultiplexing data and sending this data to output units when data is switched and output to output units (figure 1, element 126 element 122) from input units (figure 1, element 122 element 126) that have a transmission speed lower than that of output units (figure 1, element 126 element 122).

In regards to claim 6, Lauder does not explicitly teach using the digital wrapper method or OHBT method.

In regards to claim 6, Moy teaches (page 8 section 0109) using digital wrapper protocol.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lauder's teaching by incorporating the digital wrapper protocol as taught by Moy. The motivation is that (as suggested by Moy, page 8, section 0109) various physical layer technology, for example, SONET, Gigabit Ethernet (GE), or a digital wrapper connection, can be used to encode data on the optical trail.

***Allowable Subject Matter***

7. Claims 4, 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. Prior art pertinent to the application but not used in office action:

- US 5515367 A      USPAT      Method and system for planning and installing communication networks      Cox, Jr.; Louis A. et al.
- US 6870813 B1      USPAT      Architectures for evolving traditional service provider networks and methods of optimization therefor      Raza; Humair et al.
- US 20030215231 A1      US-PGPUB      Optical transmission systems including optical protection systems, apparatuses, and methods      Weston-Dawkes, Jonathan L. et al.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salman Ahmed whose telephone number is (571)272-8307. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571)272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Salman Ahmed  
Examiner  
Art Unit 2666

SA

A handwritten signature in black ink, appearing to read 'Dang Ton', with a stylized flourish at the end.

DANG TON  
PRIMARY EXAMINER